

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

Forest Laboratories, Inc., Forest  
Laboratories Holdings, Ltd., Merz Pharma  
GmbH & Co. KGaA and Merz Pharmaceuticals  
GmbH,  
Plaintiffs,  
V.

Apotex Inc. and Apotex Corp.,  
Defendant.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

08-336

TO: (Name and address of Defendant)

Apotex Inc.  
c/o Delaware Secretary of State  
Division of Corporations  
John G. Townsend Building  
401 Federal Street - Suite 4  
Dover, DE 19901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Jack B. Blumenfeld  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

6/6/08

CLERK

*Bethany*

DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup> <i>Richard R. Ly</i>	DATE	June 6, 2008
NAME OF SERVER (PRINT)	TITLE	
Messenger		
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____  <input type="checkbox"/> Returned unexecuted: _____  <input checked="" type="checkbox"/> Other (specify): <u>By hand delivering a copy of the summons and complaint to Apotex Inc., c/o State of Delaware - Secretary of State Division of Corporations, John G. Townsend Building, 401 Federal Street Suite 4, Dover, DE 19901 pursuant to 10 Del. C. § 3104</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>6/6/08</u> _____  Date _____</p> <p><i>R. Richard R. Ly</i>  <u>Signature of Server</u>  800 North King Street  Suite 102  Wilmington, DE 19801  <u>Address of Server</u></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.